

ARTICLE XXVIII WATER CONSERVATION

SECTION 1: Authority

This By-Law is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to M.G.L. c.40, §§21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This By-Law also implements the Town's authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

SECTION 2: Purpose

The purpose of this By-Law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency, by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town, by the Department of Environmental Protection or by the MWRA.

SECTION 3: Definitions

"Agriculture" shall mean farming in all its branches and agriculture, as defined in M.G.L. c. 128, § 1A.

"Outdoor watering" shall mean any residential, municipal, industrial, or commercial watering of decorative lawns, trees or shrubbery.

"Person" shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

"State of Water Supply Emergency" shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17

"State of Water Supply Conservation" shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 4 of this By-Law.

"Water Users or Water Consumers" shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes for use of the water.

SECTION 4: Declaration of State of Water Supply Conservation

The Town, through its Board of Selectmen authorized to act as such, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that the distribution system is nearing capacity and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this By-Law before it may be enforced.

SECTION 5: Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply except as provided in Section 11. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 6.

- a) Odd/Even Day Outdoor Watering: Outdoor watering on property having an odd numbered address is restricted to odd numbered days. Outdoor watering on property having an even numbered address is restricted to even numbered days.
- b) Outdoor Watering Method Restriction: Outdoor watering is restricted to bucket, can or hand held hose watering with automatic shutoff nozzle.
- c) Outdoor Watering Ban: Outdoor watering is prohibited.
- d) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- e) Swimming Pools: Filling and topping off of swimming pools is prohibited.
- f) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.
- g) Car washing: Car or vehicle washing is prohibited.

SECTION 6: Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP

Notification of any provision, including any restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform users of water of the State of Water Supply Conservation. Notification of a State of Water Supply Emergency declared by the Department or MWRA shall be provided by furnishing a copy of the Notice to two (2) radio and up to two (2) television stations serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water system receives notice of the Department's declaration. Any restriction imposed under section 5 or in the Department declaration of emergency or order shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be provided to the Massachusetts Department of Environmental Protection and MWRA at the same time that notification is given.

SECTION 7: Termination of State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for notice of the Town's declaration of its State of Water Supply Conservation.

SECTION 8: State of Water Supply Emergency; Compliance with DEP US

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection or MWRA, no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the town where it is to be effective. Such notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such Declaration on and after the date following newspaper publication.

SECTION 9: Penalties

The Town, through its Public Works Director, Water Superintendent, building inspector or local police may enforce this By-Law. Any person violating this By-Law shall be liable to the Town in the amount of \$50.00 for the first violation and \$ 100.00 for each subsequent violation. Fines shall be recovered by indictment, by complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws.

SECTION 10: Severability

The invalidity of any portion or provision of this By-Law shall not invalidate any other portion or provision thereof.

SECTION 11: Exemptions

The water use restrictions adopted under this By-Law shall not apply to the specific uses outlined below provided the user meets any applicable eligibility criteria.

- a) Commercial agriculture;
- b) Water to sustain animal life;
- c) Swimming pools used as a primary means of exercise, therapy or Rehabilitation located at a medical or rehabilitation facility;
- d) Commercial car or vehicle washing facilities.

Requests for exemptions shall be made in writing to the Department of Public Works.

(Effective: 11/12/2003)